

**Notice of Allowability**

Application No.

10/771,672

Examiner

Christopher Bottorff

Applicant(s)

WONG, ANTHONY H-Y

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an election filed March 9, 2006.
2. ☒ The allowed claim(s) is/are 1-6 and 11-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>2/3/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                             | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karel Lambert on March 30, 2006.

The application has been amended as follows:

In the specification (as amended on January 11, 2005, which is a duplicate of the preliminary amendment filed February 17, 2004):

paragraph 0001, lines 3-4, after "31 December, 2003 (31-12-2003)" delete ",and  
US Patent Application Sr. No. 10771672, Filed 3 February, 2004  
(03-02-2004)"

paragraph 0012, line 9, after "by a handle" delete "or strap"

paragraph 0023, lines 6-7, after "may be supplied" delete ", one of which may be  
a strap"

paragraph 0028, line 4, after "by a handle" delete "or strap"

paragraph 0030, line 17, after "wheels and legs." delete "Methods of business in which a composition of the invention is employed in combination with a spreadsheet for controlling inventory, sales performance, or customer lists, include sales, leasing, repair, cleaning, assembly, retail and wholesale business models."

In the claims (as amended on January 11, 2005):

Cancel claims 7-10 and 30-36.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on February 3, 2004 was considered by the examiner.

### ***Election/Restrictions***

Applicant's election without traverse of Invention I, Species A, drawn to the vehicle disclosed in relation to Figures 1-3 in the reply filed on March 9, 2006 is acknowledged. This application is in condition for allowance except for the presence of claims 7-10, 30, 32-34 and 36 directed to inventions and species non-elected without traverse. Accordingly, claims 7-10 and 30-36 have been cancelled.

In regard to claim 11, the examiner agrees with Applicant's position that claim 11 is generic to all of the disclosed species of vehicle. Accordingly, claim 11 has been considered on the merits.

Claim 31 has not been considered as it is directed to a non-elected species. Independent claims 1 and 31 are not generic to all of the species. Claim 1 relates to the species disclosed in relation to Figures 1-3 and claim 31 relates to the species disclosed in relation to Figures 12 and 13. Each of these species includes unique features that patentable distinguish one species from the other. Each of claims 1 and 31 define these unique and distinguishing features. Since claim 31 is not consistent

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with the elected species, claim 31 has not been considered and has been canceled so that the claims of the elected species may be issued.

***Allowable Subject Matter***

Claims 1-6 and 11-29 are allowed. The following is an examiner's statement of reasons for allowance:

Claim 1 requires the means for releasably securing the four legs in the legs-up configuration and the means for triggering release and deployment of the four legs to consist of the elements listed in paragraphs "d" and "e" respectively. The prior art does not disclose, teach or suggest such features in combination with the further limitations of the claims. For example, Groglio US 5,649,718 discloses a combination basket and wheeled vehicle having a basket 12 and four wheeled legs 28 that pivot between a legs-up configuration and a legs-down configuration. See Figures 1 and 7. However, Groglio does not have the claimed mechanical linkage system and control handle, and the prior art does not teach providing such an arrangement on such a cart. Thus, claim 1 distinguishes over the prior art and is allowable. Claims 2-6 are allowable in that they depend from claim 1.

Claim 11 encompasses the elected species and similarly defines the species over the prior art. Claim 11 defines a means for releasably securing a plurality of legs in the legs-up configuration and a means for triggering release and deployment of the plurality of legs. On page 3, second and third full paragraphs, of the remarks to the election filed March 9, 2006, Applicant indicates that the "means for" clauses of claim 11

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are intended to be construed under 35 USC 112, sixth paragraph. The specification discloses the means for releasably securing a plurality of legs in the legs-up configuration as either a scissor tong system or a rack and pinion system. The specification further discloses the means for triggering release and deployment of the plurality of legs as the control handle system. While the prior art discloses a combination basket and wheeled vehicle, as exemplified by Groglio, the prior art does not suggest combining the disclosed scissor tong system, rack and pinion system, control handle system, or their equivalents to such a cart. Thus, claim 11 distinguishes over the prior art and is allowable. Claims 12-29 are allowable in that they depend from claim 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

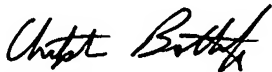
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Adams, Miller et al., Pratt, Hubner et al., Levy, Demick et al., Gines, Tran, Merced Ferrer, Miller, Bargery et al., and Oranday disclose combination baskets and wheeled vehicles.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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